

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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USCA Docket Number:

USDC Docket Number : 04-cv-12149

Abdelaziz Bennour

v.

Bruce Chadbourne, et al


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**CLERK'S CERTIFICATE**

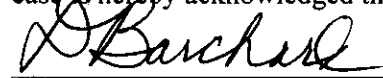
I, Tony Anastas, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 2/24/05.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on March 22, 2005.

Tony Anastas, Clerk of Court

By:   
Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 3/22/05.

  
Deputy Clerk, US Court of Appeals

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Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: \_\_\_\_\_

APPEAL, HABEAS

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:04-cv-12149-MLW**

Bennour v. Chadbourne et al  
Assigned to: Judge Mark L. Wolf  
Cause: 28:2241 Petition for Writ of Habeas  
Corpus (federa

Date Filed: 10/12/2004  
Jury Demand: None  
Nature of Suit: 550 Prisoner:  
Civil Rights  
Jurisdiction: U.S. Government  
Defendant

**Petitioner**

**Abdelaziz Bennour**

represented by **Abdelaziz Bennour**  
Suffolk County House of  
Correction  
20 Bradston St.  
Boston, MA 02118  
PRO SE

**Robert M Goldstein**  
20 Park Plaza  
Suite 903  
Boston, MA 02116  
617-742-9015  
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Email: rmg04@aol.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE*  
*NOTICED*

**Robert M. Goldstein**  
114 State Street  
Second Floor  
Boston, MA 02109

617-742-9015  
**LEAD ATTORNEY**  
**ATTORNEY TO BE**  
**NOTICED**

V.

**Respondent**

**Bruce Chadbourne**  
*Interim Field Officer Director  
for Detention and Removal*

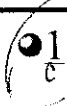

represented by **Frank Crowley**  
Immigration and Customs  
Enforcement, Dept. of  
Homeland Secur  
PO Box 8728  
JFK Station  
Boston, MA 02114  
617-565-2415  
Email:  
Frank.Crowley@dhs.gov  
**ATTORNEY TO BE**  
**NOTICED**






**Respondent**










**Boston Field Office**  
*Bureau of Immigration and  
Customs Enforcement*

**Respondent**

**Bureau of Immigration and  
Customs Enforcement**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
10/12/2004	 1	MOTION for Leave to Proceed in forma pauperis by Abdelaziz Bennour.(Filed the front page of the document only)(Jenness, Susan) (Entered: 10/12/2004)
10/12/2004	 2	PETITION for Writ of Habeas Corpus \$ 0.00, receipt

		number 0.00, filed by Abdelaziz Bennour.(Jenness, Susan) (Entered: 10/12/2004)
10/12/2004		EXHIBIT re <u>2</u> Petition for Writ of Habeas Corpus by Abdelaziz Bennour. (Jenness, Susan) (Entered: 10/12/2004)
10/12/2004		If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Cohen. (Jenness, Susan) (Entered: 10/12/2004)
10/13/2004		MOTION to Dismiss for Lack of Jurisdiction by Bruce Chadbourne.(Crowley, Frank) (Entered: 10/13/2004)
10/13/2004		MEMORANDUM in Support re <u>4</u> MOTION to Dismiss for Lack of Jurisdiction , <i>Return, Stay Opposition, and Notice of Intent to Execute Removal Order</i> filed by Bruce Chadbourne. (Attachments: # <u>1</u> Exhibit Attachment A# <u>2</u> Exhibit Attachment B# <u>3</u> Exhibit Attachment C# <u>4</u> Exhibit Attachment D# <u>5</u> Exhibit Attachment E)(Crowley, Frank) (Entered: 10/13/2004)
10/13/2004		Judge Mark L. Wolf : ORDER entered. It is hereby ORDERED that:1. Bennour's deportation is temporarily STAYED. 2. Respondent shall, by October 14, 2004, serve by hand onBennour a copy of the Motion (Docket No. 5).3. Bennour shall, by October 22, 2004, respond to theMotion, addressing whether he has exhausted his administrativeremedies and, if so, why he waited until three days before hisscheduled deportation to file his petition.4. A hearing on the Motion will be held on October 26, 2004,at 1:00 p.m. The Clerk shall make arrangements with the Sheriff ofSuffolk County to have Bennour brought to the hearing.(O'Leary, Dennis) (Entered: 10/13/2004)

10/14/2004	 7	NOTICE by Bruce Chadbourne <i>Notice of Erratum</i> (Crowley, Frank) (Entered: 10/14/2004)
10/14/2004	 8	Writ of Habeas Corpus ad Testificandum Issued as to Abdelazis Bennour for 10/26/2004. (O'Leary, Dennis) (Entered: 10/14/2004)
10/22/2004	 9	Reply by Abdelaziz Bennour to 4 MOTION to Dismiss for Lack of Jurisdiction, FILED, c/s. (Boyce, Kathy) (Entered: 10/26/2004)
10/25/2004	 10	MOTION For Pro Bono Counsel by Abdelaziz Bennour, FILED.(Boyce, Kathy) (Entered: 10/26/2004)
10/25/2004	 11	MOTION to Appointment of Pro Bono Counsel Counsel by Abdelaziz Bennour, FILED, c/s.(Boyce, Kathy) (Entered: 10/26/2004)
10/25/2004	 13	Judge Mark L. Wolf : ORDER entered REFERRING CASE to Magistrate Judge Lawrence P. Cohen Referred for: Appointment of Counsel(O'Leary, Dennis) (Entered: 10/27/2004)
10/25/2004	 16	Judge Lawrence P. Cohen : ORDER entered CJA 20: Appointment of Attorney Robert M. Goldstein for Abdelaziz Bennour (Simeone, Maria) (Entered: 10/29/2004)
10/26/2004	 12	Writ of Habeas Corpus ad Testificandum Issued as to Abdelaziz Bennour for 11/15/2004. (O'Leary, Dennis) Modified on 10/26/2004 (O'Leary, Dennis)to reflect a subsequent change in the hearing date. Additional attachment(s) added on 10/26/2004 (O'Leary, Dennis). (Entered: 10/26/2004)
10/26/2004	 14	Clerk's Notes for proceedings held before Judge Mark L. Wolf : Motion Hearing held on 10/26/2004 re 4 MOTION to Dismiss for Lack of Jurisdiction filed by Bruce Chadbourne. Hearing Continued until 11/15/04 at 2:00 PM (Court Reporter Twomey.) (O'Leary,

		Dennis) (Entered: 10/27/2004)
10/26/2004	15	Judge Mark L. Wolf : Electronic ORDER entered. For the reasons stated in court on October 26, 2004, it is hereby ORDERED that: 1. Petitioner's Motion for Pro Bono Counsel (Docket No. 11) is ALLOWED. 2. The government shall, by November 2, 2004, file a supplemental memorandum. 3. The petitioner shall, by November 2, 2004, state whether he wishes to maintain his petition. 4. The petitioner shall, by November 9, 2004, respond to the government's supplemental memorandum. 5. A further hearing on the government's Motion to Dismiss shall be held on November 15, 2004, at 2:00 p.m. Appointed Robert M Goldstein for Abdelaziz Bennour. (O'Leary, Dennis) (Entered: 10/27/2004)
11/01/2004	17	MEMORANDUM OF LAW by Bruce Chadbourne. (Crowley, Frank) (Entered: 11/01/2004)
11/02/2004	18	NOTICE by Abdelaziz Bennour <i>of intent to maintain petition</i> (Goldstein, Robert) (Entered: 11/02/2004)
11/04/2004	21	Response by Abdelaziz Bennour to 15 Order on Motion to Appoint Counsel, FILED, c/s. (Boyce, Kathy) (Entered: 11/10/2004)
11/05/2004	19	Second MEMORANDUM in Support re 4 MOTION to Dismiss for Lack of Jurisdiction , <i>and Report to Court</i> filed by Bruce Chadbourne. (Crowley, Frank) (Entered: 11/05/2004)
11/09/2004	20	RESPONSE to Motion re 4 MOTION to Dismiss for Lack of Jurisdiction filed by Abdelaziz Bennour. (Goldstein, Robert) (Entered: 11/09/2004)
11/10/2004	22	Notice Resetting Hearing. PLEASE TAKE NOTICE that the MOTION HEARING originally scheduled for NOVEMBER 15, 2004 at 3:00 p.m. has been RESCHEDULED TO NOVEMBER 15, 2004 at 10:30 a.m. (O'Leary, Dennis) (Entered: 11/10/2004)

11/12/2004	<u>23</u>	Third MEMORANDUM in Support re <u>4</u> MOTION to Dismiss for Lack of Jurisdiction filed by Bruce Chadbourne. (Crowley, Frank) (Entered: 11/12/2004)
11/15/2004	<u>24</u>	Clerk's Notes for proceedings held before Judge Mark L. Wolf : Motion Hearing held on 11/15/2004 re <u>4</u> MOTION to Dismiss for Lack of Jurisdiction filed by Bruce Chadbourne. (Court Reporter Twomey.) (O'Leary, Dennis) (Entered: 11/15/2004)
11/15/2004	<u>25</u>	Writ of Habeas Corpus ad Prosequendum Issued for Abdelaziz Bennour for 12/22/2004. (O'Leary, Dennis) (Entered: 11/15/2004)
11/15/2004	<u>26</u>	Judge Mark L. Wolf : ORDER entered establishing various filing deadlines and setting a Motion Hearing for 12/22/2004 10:30 AM in Courtroom 10 before Judge Mark L. Wolf.(O'Leary, Dennis) (Entered: 11/16/2004)
11/30/2004		Remark Docket entry no. 27 deleted as it was entered in the wrong case. (O'Leary, Dennis) (Entered: 11/30/2004)
12/07/2004	<u>27</u>	MEMORANDUM OF LAW by Abdelaziz Bennour. (Goldstein, Robert) (Entered: 12/07/2004)
12/07/2004	<u>28</u>	AFFIDAVIT of Abdelaziz Bennour in Response to November 15, 2004 Court Order by Abdelaziz Bennour. (Goldstein, Robert) (Entered: 12/07/2004)
12/15/2004	<u>29</u>	Fourth MEMORANDUM in Support re <u>4</u> MOTION to Dismiss for Lack of Jurisdiction filed by Bruce Chadbourne. (Attachments: # <u>1</u> Exhibit Attachment A# <u>2</u> Exhibit Attachment B)(Crowley, Frank) (Entered: 12/15/2004)
12/21/2004		Electronic Notice Resetting Hearing. Please take notice that the Evidentiary Hearing previously scheduled for December 22, 2004 at 10:30 AM has been rescheduled to December 22, 2004 at 11:00 AM.



		(O'Leary, Dennis) (Entered: 12/21/2004)
01/03/2005	• <u>30</u>	Judge Mark L. Wolf : ORDER entered. It is hereby ORDERED that the government's Motion to Dismiss (Docket No. 4) is ALLOWED. (O'Leary, Dennis) (Entered: 01/03/2005)
01/20/2005	• <u>31</u>	MOTION to Appoint New Counsel by Abdelaziz Bennour, FILED.(Boyce, Kathy) (Entered: 01/26/2005)
01/31/2005	• <u>32</u>	Judge Mark L. Wolf : ORDER entered denying <u>31</u> Motion to Appoint Counsel (O'Leary, Dennis) (Entered: 02/04/2005)
02/24/2005	• <u>34</u>	NOTICE OF APPEAL as to <u>30</u> Order on Motion to Dismiss/Lack of Jurisdiction by Abdelaziz Bennour. \$ 255 Reason fee is not required: CJA Appointment NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 3/16/2005. (Goldstein, Robert) (Entered: 02/24/2005)
02/28/2005	• <u>35</u>	MOTION for a copy of transcript filed by Abdelaziz Bennour(Boyce, Kathy) (Entered: 03/04/2005)
03/07/2005	•	Judge Mark L. Wolf : Electronic ORDER entered denying <u>35</u> Motion to Obtain Transcript. As petitioner was told in the January 31, 2005 Order, any request for transcripts must be made by his counsel. (O'Leary, Dennis) (Entered: 03/07/2005)
03/16/2005	•	Mail Returned as Undeliverable. Mail sent to Abdelaziz Bennour returned marked- Moved Left No Address (Boyce, Kathy) (Entered: 03/17/2005)